

### **REMARKS**

Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested.

#### **I. STATUS OF THE CLAIMS**

Applicants note with thanks the Examiner's acknowledgement that claims 10 to 13, 15, 30 to 32 and 34 are allowable if rewritten in independent form. Claims 1 to 37 have been renumbered as Claims 1 to 38 to correct the duplicate numbering of two claims as Claim 13. Claims 1 to 6, 8, 11 to 26, 28, 31 to 38 are presently pending. Claims 7, 9, 10, 27, 29 and 30 have been cancelled. Claims 1, 6, 13 to 17, 19, 21 to 26, 28 and 31 to 38 have been amended, without prejudice. Applicants hereby reserve the right to pursue such claims as originally presented, or claims of a similar scope, in a related application. The amendments to the claims are supported by the claims as filed and in the specification.

#### **II. THE EXAMINER'S OBJECTIONS ARE OVERCOME**

##### **A. The Objection to Claims 3 and 23 is Overcome**

The Examiner objects to Claims 3 and 23 as lacking sufficient antecedent basis in the recitation of the limitation "said plurality of segments". Applicants overcome this objection with an amendment to Claims 1 and 21 by replacing the term "plurality of portions" with the term "plurality of segments".

##### **B. The Objection to Claims 4, 11, 24 and 31 is Overcome**

The Examiner objects to Claims 4, 11, 24 and 31 as lacking sufficient antecedent basis in the recitation of the limitation "said segments". Applicants overcome this objection with the above-detailed amendment to Claims 1 and 21.

**C. The Objection to Claims 13 and 32 is Overcome**

The Examiner objects to Claims 13 and 32 as lacking sufficient antecedent basis in the recitation of the limitation "said other segments". Applicants overcome this objection with an amendment to Claim 13 and 32 by replacing the phrase "said other segments" with the phrase "the other said segments".

**D. The Objection to Claims 13, 16, 33 and 35 is Overcome**

The Examiner objects to Claims 13, 16, 33 and 35 as lacking sufficient antecedent basis in the recitation of the limitation "said associated panels". Applicants note that Claim 13 does not recite this limitation. However, this limitation is recited in renumbered Claim 14, which was previously incorrectly numbered as Claim 13. Applicants overcome this objection with an amendment to Claims 14 and 33 which replaces the term "said associated panel" with the term "associate with said selected file", and with an amendment to Claims 16 and 35 which replaces the term "said associate panel" with the term "said panel associate with said selected file".

**III. THE EXAMINER'S REJECTIONS ARE OVERCOME**

Applicants have amended independent Claims 1 and 21 to incorporate the limitations of Claims 10 and 30, respectively, which the Examiner has deemed allowable over the prior art. Thus, the rejection of Claims 2 to 6, 8, 14, 16 to 20, 22 to 26, 28, 33 and 35 to 38 is moot. Applicants have cancelled Claims 9, 27 and 29. Thus, the rejection of Claims 9, 27 and 29 is moot.

**A. The Rejection of Claim 7 is Overcome**

The Examiner rejects Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Buxton et al in view of the Examiner's Official Notice. Claims 7

has been cancelled and the limitations therein written into Claims 6. Applicants thus address this rejection with regard to amended Claim 6.

Claim 6 is directed to the graphical user interface tool wherein the tool comprises means for allowing a user to move the graphical user interface tool outside of the panel associated with the selected file without switching the selected file, whereby the tool still works in the selected file *even though the tool is outside of the panel associated with the selected file.*

The Examiner cites Figure 6 and Col. 14, lines 29 to 44 of Buxton et al. for the proposition that Buxton et al. teaches a graphical user interface tool with a means for allowing a user to invoke a tool in association with a selected file, which associates the tool with the file displayed in the panel within which a cursor was positioned when the tool was invoked. In addition to that portion of Buxton et al. cited above, the Examiner relies on Official Notice that moving a graphical representation outside of the panel associated with said selected file is well known in the art and, therefore, it would have been obvious to incorporate such a feature into Buxton.

However, it is quite inappropriate to take Official Notice in this case. First, it is unclear to what the Examiner is referring to in this Official Notice. Official Notice can be taken of facts that are so well recognized that they are beyond rational dispute (e.g., the sun rises in the East or electrical current is the flow of electrons through a conductor). This hardly is such a case. Furthermore, it is unclear exactly what type of feature the Examiner is considering to comprise this claimed feature, as there are numerous ways that various programs permit the movement of toolbars, none of which seems to be so ubiquitous as to constitute something of which the Examiner may take Official Notice. Accordingly, Applicant respectfully traverses the Official

Notice. Hence, the Examiner must now withdraw the Official Notice or provide a reference disclosing it.

However, perhaps the Official Notice issue is moot because the Official Notice is insufficient to provide suggestion to modify Buxton et al. to produce the combination claimed, and even if the Official Notice provides this suggestion, the combination of Buxton et al. and the Official Notice do not produce the tool of Claim 6. Particularly, in the tool of Claim 6, the tool that can be moved outside of a panel and still operate on that panel is a tool that is voluntarily invoked by the user in connection with a particular window *and that can be invoked in any other panel and, thus, be associated with such other panel*. The movable toolbar that the Examiner is probably thinking of is a toolbar that is automatically started in a panel whenever that panel (i.e., the program that generates that panel) is opened *and that can only operate in connection with that panel and no other*. Thus, the idea that this type of toolbar can be moved outside of that panel and still operate within that panel is a concept very different than that of the present invention.

It makes inherent sense that a toolbar can be dragged and dropped anywhere on the screen and still work. However, when the entire purpose of a toolbar is to permit the user to associate it with any one of a plurality of panels in a display (the exact opposite of the type of toolbar that the Examiner seems to be considering), the concept of permitting the user to move the toolbar out of the panel with which the user associated it and into another panel with which the user could have associated it but the toolbar does not change to operate with respect to that new panel is a totally different concept. The latter concept clearly is not fairly suggested by the former.

Claim 6 recites these limitations. Specifically, Claim 6 does not just recite that any toolbar can be moved outside of the panel with which it is associated and still operate on that panel. Rather, Claim 6 previously limited the tool by reciting that the tool includes "means for allowing a user to invoke said tool in association *with a selected one of said multiple files* using a computer interface device". There is no suggestion to apply the feature that the Examiner seems to be taking Official Notice of with a tool that permits the user to selectively invoke it in connection with a panel of his or her choosing (Buxton et al.). The combination of same does not produce the tool of Claim 6. As such, Claim 6 is patentable over Buxton et al. in view of the Official Notice for at least the above-detailed rationale.

**B. The Rejection of Claims 16, 17, 35, and 36 is Overcome**

The Examiner rejects Claims 16, 17, 35, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Buxton et al. in view of Mackinlay et al. Claims 16, 17, 35 and 36 are patentable over Buxton et al. in view of Mackinlay et al. as such claims depend from Claims 1 and 21, which have been amended to incorporate the limitations of allowable Claims 10 and 30, as detailed above. At least Claims 17 and 36 are even further patentable over Buxton et al. in view of Mackinlay et al. for the below-detailed rationale.

Claims 17 and 36 are directed to a graphical user interface tool and method wherein one of the operations is *transferring* a selected file to a predetermined other panel such that the selected file is exchanged with the file displayed in the predetermined other panel. In this tool and method, one file on a panel is exchanged with a second file on a predetermined other panel, which modifies the arrangement of the files.

The Examiner cites Col. 4, lines 35 to 46 of Mackinlay et al. for the proposition that Mackinlay et al. discloses an operation comprising transferring a selected file from an associated panel to another predetermined one of the panels. The Examiner then argues that the combination of Buxton et al. and Mackinlay et al. produces a graphical user interface tool that can operate to transfer a selected file from an associated panel to a predetermined other panel and to transfer a file on a predetermined other panel to an associated panel.

However, Mackinlay et al. does not stand for this proposition. Col. 4, lines 35 to 46 of Mackinlay et al. teaches that a user can rotate a single file that is broken up for purposes of display into numerous panels, one of which is a center panel, such that a selected portion of the image can be rotated into focus (i.e., into the center panel). Mackinlay et al. at Col. 3, lines 60 to 64 further states that the image which is comprised of numerous panels can be "folded" or "rotated", both actions which involve the entire image being "rotated". Thus, Mackinlay et al. does not encompass the exchange of position of two portions of an image as claimed in claims 17 and 36, but the turning of an image to view different portions thereof, which is a concept very different than that of the present invention.

The tool and method of Claims 17 and 36 do not involve the turning of an image comprised of numerous files to bring a selected file into focus, but the exchange of two files by the transfer of a selected file from one panel to a second predetermined other panel and vice versa. Although the user of Mackinlay et al. can choose the direction of the rotation of the panels, the user of Mackinlay et al. cannot modify the arrangement of the panels such that a file in a first panel is transferred to a predetermined second panel and the file in that second panel is transferred to the

first panel. As such, Claims 17 and 36 are patentable over the combination of Buxton et al. and Mackinlay et al. for at least the above-detailed rationale.

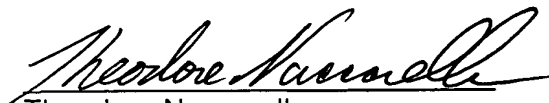
#### IV. CONCLUSION

In view of the above amendments and remarks, the present application is in condition for allowance and a Notice of Allowance is therefore earnestly solicited. The Office is invited to contact applicant's undersigned counsel by telephone to resolve any further matters in connection with this application.

The Commissioner is authorized hereby to charge any fees or credit any overpayment associated with this Statement (copy enclosed) to Deposit Account Number 19-5425.

Respectfully submitted,

Dated: 5.16.05

  
Theodore Naccarella  
Registration No. 33,023  
Synnestvedt & Lechner LLP  
2600 Aramark Tower  
1101 Market Street  
Philadelphia, PA 19107  
Telephone: 215-923-4466  
Facsimile: 215-923-2189  
Attorney for Applicant